

Panaji, 25th April, 1996 (Vaisakha 5, 1918)

SERIES I No. 4

# OFFICIAL GAZETTE

## GOVERNMENT OF GOA



- NOTE:** There are two Extraordinary issues to the Official Gazette, Series I No. 3 dated 18-4-96 as follows:
- 1) Extraordinary dated 18-4-1996 from pages 39 to 40 regarding Notification from Department of General Administration.
  - 2) Extraordinary No. 2 dated 18-4-1996 from pages 41 to 50 regarding Notification from Department of Personnel.

### GOVERNMENT OF GOA Department of Law and Judiciary

Legal Affairs Division

## Notification

10/5/96/LA

The Employees' Provident Funds and Miscellaneous Provisions (Amendment) Ordinance, 1996 (Ordinance No. 2 of 1996) which has been promulgated by the President of India and published in the Gazette of India, Extraordinary, Part II, Section I, dated 5th January, 1996 is hereby published for the general information of the public.

P. V. Kadnekar, Joint Secretary (Law).

Panaji, 8th February, 1996.

### MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (Legislative Department)

New Delhi, the 5th January, 1996/Pausa  
15, 1917 (Saka)

### THE EMPLOYEES' PROVIDENT FUNDS AND MISCELLANEOUS PROVISIONS (AMENDMENT) ORDINANCE, 1996

No. 2 of 1996

Promulgated by the President in the Forty-sixth Year of the Republic of India.

An Ordinance further to amend the Employees' Provident Funds and Miscellaneous Provisions Act, 1952.

Whereas the Employees' Provident Funds and Miscellaneous Provisions (Amendment) Bill, 1993 has been introduced in Parliament but has not yet been passed;

And Whereas the Employees' Provident Funds and Miscellaneous Provisions (Amendment) Ordinance, 1995, to give effect to the provisions of the said Bill

Ord. 13  
of 1995.

with certain modifications was promulgated by the President on the 17th October, 1995;

And Whereas the said Bill with the amendments for replacing the said Ordinance has not yet been passed;

And Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action to give effect to the provisions of the said Bill;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Employees' Provident Funds and Miscellaneous Provisions (Amendment) Ordinance, 1996.

(2) It shall be deemed to have come into force on the 16th day of November, 1995.

2. *Amendment of long title.*—In the long title to the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (hereinafter referred to as the principal Act), for the words "family pension fund", the words "pension fund" shall be substituted.

3. *Amendment of section 2.*—In section 2 of the principal Act,—

(a) clauses (gg) and (ggg) shall be omitted;

(b) after clause (k), the following clauses shall be inserted, namely:—

(ka) "pension Fund" means the Employees' Pension Fund established under sub-section (2) of section 6A;

(kb) "Pension Scheme" means the Employees' Pension Scheme framed under sub-section (1) of section 6A;';

(c) after clause (1), the following clause shall be inserted, namely:—

(l) "superannuation", in relation to an employee who is the member of the Pension Scheme, means the attainment, by the said employee, of the age of fifty-eight years;".

4. *Substitution of the word "Pension" for the words "Family Pension".*—In the principal Act for the words "Family Pension", wherever they occur, the word "Pension" shall be substituted.

5. *Substitution of a new section for sections 6A and 6B.*—For sections 6A and 6B of the principal

Act, the following section shall be substituted namely:—

**“6A. Employees’ Pension Scheme.— (1)** The Central Government may, by notification in the Official Gazette, frame a scheme to be called the Employees’ Pension Scheme for the purpose of providing for —

(a) Superannuation pension, retiring pension or permanent total disablement pension to the employees of any establishment or class of establishments to which this Act applies; and

(b) widow or widower’s pension, children pension or orphan pension payable to the beneficiaries of such employees.

(2) Notwithstanding anything contained in section 6, there shall be established, as soon as may be after framing of the Pension Scheme, a Pension Fund into which there shall be paid, from time to time in respect of every employee who is a member of the Pension scheme,—

(a) such sums from the employer’s contribution under section 6, not exceeding eight and one-third per cent. of the basic wages, dearness allowance and retaining allowance, if any, of the concerned employees, as may be specified in the Pension Scheme.

(b) such sums as are payable by the employers of exempted establishments under sub-section (6) of section 17;

(c) the net assets of the Employees’ Family Pension Fund as on the date of the establishment of the Pension Fund;

(d) such sums as the Central Government may, after due appropriation by Parliament by law in this behalf, specify.

(3) On the establishment of the Pension Fund, the Family Pension Scheme (hereinafter referred to as the ceased scheme) shall cease to operate and all assets of the ceased scheme shall vest in and shall stand transferred to, and all liabilities under the ceased scheme shall be enforceable against, the Pension Fund and the beneficiaries under the ceased scheme shall be entitled to draw the benefits not less than the benefits, they were entitled to under the ceased scheme, from the Pension Fund.

(4) The Pension Fund shall vest in and be administered by the Central Board in such manner as may be specified in the Pension Scheme.

(5) Subject to the provisions of this Act, the Pension Scheme may provide for all or any of the matters specified in Schedule III.

(6) The Pension Scheme may provide that all or any of its provisions shall take effect either prospectively or retrospectively on such date as may be specified in that behalf in that Scheme.

(7) A Pension Scheme framed under sub-section (1) shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid both Houses agree in making any modification in the

Scheme or both Houses agree that the Scheme should not be made, the Scheme shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that Scheme.”

**6. Amendment of section 6C.—** In section 6C of the principal Act,—

(a) clause (3) shall be omitted;

(b) clause (b) of sub-section (4) shall be omitted.

**7. Amendment of section 17.—** In section 17 of the principal Act,—

(a) for sub-section (1c), the following sub-section shall be substituted, namely:—

“(1c) The appropriate Government may, by notification in the Official Gazette, and subject to the condition on the pattern of investment of pension fund and such other conditions as may be specified therein, exempt any establishment or class of establishments from the operation of the Pension Scheme if the employees of such establishment or class of establishments are either members of any other pension scheme or proposes to be members of such pension scheme, where the pensionary benefits are at par or more favourable than the Pension Scheme under this Act.”;

(b) in sub-section (6), the words as well “as the employees’ contribution” shall be omitted.

**8. Substitution of new Schedule for Schedule III.—** For Schedule III to the principal Act, the following Schedule shall be substituted, namely:—

### “SCHEDULE III

[See section 6A (5)]

Matters for which provision may be made in the Pension Scheme

1. The employees or class of employees to whom the Pension Scheme shall apply.

2. The time within which the employees who are not members of the Family Pension Scheme under section 6A as it stood before the commencement of the Employees’ Provident Funds and Miscellaneous Provisions (Amendment) Ordinance, 1996 (hereinafter, in the Schedule, referred to as the amending Ordinance) shall opt for the Pension Scheme.

3. The portion of employers’ contribution to the Provident Fund which shall be credited to the Pension Fund and the manner in which it is credited.

4. The minimum qualifying service for being eligible for pension and the manner in which the employees may be granted the benefits of their past service under section 6A as it stood before the commencement of the amending Ordinance.

5. The regulation of the period of service for which no contribution is received.

6. The manner in which employees’ interest will be protected against default in payment of contribution by the employer.

7. The manner in which the accounts of the Pension Fund shall be kept and investment of moneys belonging to Pension Fund to be made subject to such pattern of investment as may be determined by the Central Government.

8. The form in which an employee shall furnish particulars about himself and the members of his family whenever required.

9. The forms, registers and records to be maintained in respect of employees required for the administration of the Pension Scheme.

10. The scale of pension and pensionary benefits and the conditions relating to grant of such benefits to the employees.

11. The manner in which the exempted establishments have to pay contribution towards the Pension Scheme and the submission of returns relating thereto.

12. The mode of disbursement of pension and arrangements to be entered into with such disbursing agencies as may be specified for the purpose.

13. The manner in which the expenses for administering the Pension Scheme will be met from the income of the Pension Fund.

14. Any other matter which is to be provided for in the Pension Scheme or which may be necessary or proper for the purpose of implementation of the Pension Scheme.”.

**9. Repeal and saving.**—(1) The Employees' Provident Funds and Miscellaneous Provisions (Amendment) Ordinance, 1995 Ord. 13 of 1995 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act, as amended by this Ordinance.

SHANKER DAYAL SHARMA,  
President.

K. L. MOHANPURIA,  
Secy. to the Govt. of India.

#### CORRIGENDA

In the Employees' Provident Funds and Miscellaneous Provisions (Amendment) Ordinance, 1995 (Ord. 13 of 1995) as published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 17th October, 1995 (Issue No. 61).

1. At page 1,—

(i) In the long title, for “Miscellaneous,” read “and Miscellaneous”;

(ii) In the last line, for “inot”, read “into”;

2. At page 2,—

(i) In line 13, for “relaton”, read “relation”;

(ii) In line 24, for “establihsment”, read “establishment”.

3. At page 4, in line 37, for “estabshments”, read “establishments”.

#### Department of Personnel

##### Notification

1/1/94-PER

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, and in supersession of the existing recruitment rules for the relevant posts, the Governor of Goa hereby makes the following rules to regulate the recruitment to the Goa General Service, Group 'A' Gazetted, Non-Ministerial post in the Directorate of Art and Culture, Government of Goa, namely:—

**1. Short title, application and commencement:**—(1) These rules may be called the Government of Goa, Directorate of Art and Culture, Goa General Service, Group 'A', Gazetted, Non-Ministerial post, Recruitment Rules, 1996.

(2) They shall apply to the posts specified in column 1 of the Schedule to these rules (hereinafter called as the “said Schedule”).

(3) They shall come into force from the date of their publication in the Official Gazette.

**2. Number, classification and scales of pay:**—The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule:

Provided that the Government may vary the number of posts in column 2 of the said Schedule from time to time subject to exigencies of work.

**3. Method of recruitment, age limit and other qualifications:**—The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the said Schedule.

**4. Disqualification.**—No person who has entered into or contracted a marriage with a person having a spouse living or who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service:

Provided that the Government may, if satisfied that such marriage is permissible under the personal Law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

**5. Power to relax:**—Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing and in consultation with the Goa Public Service Commission, relax any of the provisions of these rules with respect to any class or category of persons.

**6. Saving:**—Nothing in these rules shall affect reservation, relaxation of age limit and other concessions required to be provided for Scheduled Castes and other special categories of persons in accordance with the orders issued by the Government from time to time in that regard.

**7. These rules are issued in consultation with the Goa Public Service Commission vide their letter No. COM/H/13/57(1)/94 dated 4-5-1995 and No. COM/H/13/57(1) 94 dated 12-10-1995.**

By order and in the name of the Governor of Goa.

S. S. Keshkamat, Joint Secretary (Personnel),  
Panaji, 4th April, 1996.

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